

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed March 15, 2005. In the Office Action claims 1, 2, 4-6, 10, 14-17, 21, 26, and 28 have been preliminarily rejected under 35 U.S.C. §102(e). In addition, claims 1-28 have been preliminarily rejected under 35 U.S.C. §103(a). In the present response, claims 1, 14, 19, 25, and 27 have been amended. In addition, claim 18 has been canceled without prejudice. The Applicant respectfully traverses the rejections to the presently pending claims. Reconsideration and allowance of the subject application and presently pending claims 1-17 and 19-25 is respectfully requested for at least the following reasons. However, first, a brief review of the technology taught by the presently pending patent application is provided.

Discussion of the Present System and Method for Automatically Purifying Solvents

The present system and method for automatically purifying solvents has been provided for the purpose of providing a safe and accurate environment for purifying solvents. The Applicant realizes that chemical solvents must be stored in a safe environment and that any filtration of such chemical solvents must be performed with such a degree of care as to prevent leakage of the solvent in liquid form, or of associated gases.

In response, the Applicant has provided a system and method that allows for automatic purification of solvents, where multiple solvent containers having chemical solvents therein, may be safely located within a solvent holding portion. The system also contains a filter holding portion having filter tubes therein for purification of the chemical

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solvents. Connections between the solvent holding portion and the filter holding portion are provided by at least a series of valve connectors. A first portion of a valve connector is located within the solvent holding portion of the system and connected to an output port of a solvent container located within the solvent holding portion of the system. A second portion of the valve connector is located within the filter holding portion of the system and connected to a filter tube located within the filter holding portion of the system.

The filter holding portion is also entirely enclosed, with a ventilation system connected thereto. In addition, dispensers are provided to allow each filtered chemical solvent to exit the filter holding portion and be dispensed. This configuration of the filter holding portion prevents gases associated with chemical solvents being filtered from leaving the filter holding portion, or the system itself, and possibly harming a user of the system. In fact, the entire configuration of the system protects a user of the system from exposure to chemical solvent liquid or gas.

As another precautionary measure, communication with the system is provided via computer in accordance with software stored therein, thereby preventing the need for manual interaction with the filter tubes, the solvent container, or other portions of the system besides a peripheral device used for communicating instructions to the system, although manual interaction is possible. Specifically, after receiving instructions from a user, the computer automatically controls functions performed by the system, such as, but not limited to, preparation of a collection vessel for use, controlling flow of solvents out of solvent containers and into filter tubes, and allowing filtered solvent to flow into the collection vessels. In total, the system and method is very precise and safe.

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I. Response To Claim Rejections Based On Anticipation

In the Office Action, claims 1, 2, 4-6, 10, 14-17, 21, 25, 26, and 28 have been preliminarily rejected based on 35 U.S.C. §102(e) as allegedly being anticipated by United States Patent No. 6,787,042 to Bond, et al. (hereinafter "*Bond*").

As the Examiner is aware, "Anticipation can only be established by a single prior art reference which discloses each and every element of the claimed invention." *Structural Rubber Products Co. v. Park Rubber Co.*, 749 F.2d 707, 226 USPQ 1264 (Fed. Cir. 1984). Further, "Absence from a cited reference of any element of a claim of a patent negates anticipation of that claim by the reference." *Kloster Speed Steel AB v. Crucible, Inc.*, 796 F.2d 1565, 260 USPQ 81 (Fed. Cir. 1986), *on rehearing*, 261 USPQ 160 (Fed. Cir. 1986). Thus, even if a single element found in Applicant's claim is not identically and exactly disclosed in prior art relied upon by the Examiner, the Examiner's rejection of the claims under 35 USC 102(b) is improper.

The *Bond* Reference

Prior to discussing differences between the presently pending claims and *Bond*, the Applicant offers the following summary of *Bond*, specifically, for clarification purposes. *Bond* teaches an air-free or other gas-free system and method for separating a solution containing a substantially impurity-free daughter product from a solution containing a parent radionuclide.

A. Claim 1

Claim 1 reads:

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A system for automatically purifying solvents, comprising:

a solvent holding portion having at least one solvent container therein, wherein each solvent container has one solvent therein;

a filter holding portion having at least one filter tube located therein, wherein said filter holding portion is in communication with said solvent holding portion via at least one valve connector, wherein a first portion of said valve connector is located within said filter holding portion and a second portion of said valve connector is located within said solvent holding portion;

a peripheral device; and

a computer having a memory and a processor, said processor being configured by said memory to perform the steps of:

receiving an electronic selection of a solvent to be automatically purified;

automatically causing the flow of said electronically selected solvent from said solvent holding portion to said at least one filter tube; and

automatically filling a collection vessel with said purified solvent.

(Emphasis Added)

Claim 1 has been preliminarily rejected based on 35 USC 102 as being anticipated by *Bond*. The Applicant respectfully submits that *Bond* does not disclose the above-emphasized elements of claim 1. As has been mentioned above, the system of the presently pending patent application addresses major concerns of safety. To address these safety issues, the present system contains a solvent holding portion that is located separate from a filter holding portion. In addition, the solvent holding portion has at least one solvent container therein, where each solvent container has one solvent therein. As such, the solvent is not exposed to the user of the system, but instead located within a solvent container, that is in turn located within a solvent holding portion of the system. The solvent holding portion is located separate from the filter holding portion, where the filter holding portion has at least one filter tube located therein. Therefore, the solvent being purified is again, not exposed to the user when purifying. In addition, the Applicant has

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clarified that communication between the filter holding portion and the solvent holding portion is provided via at least one valve connector.

Further to the above-mentioned, *Bond* fails to disclose a solvent holding portion having at least one solvent container therein, wherein each solvent container has one solvent therein, and a filter holding portion having at least one filter tube located therein. Specific to the filter holding portion, the Office Action cites to element 14 of *Bond*, and specific to the filter, the Office Action cites to element 24 of *Bond*. Element 24 of *Bond* is a separator 24 (column 6, line 23, and column 7, first paragraph of *Bond*), which clearly does not have at least one filter tube located therein. In addition, element 14 of *Bond* is a parent material, or parent radionuclide, which clearly is not the equivalent of a solvent holding portion having at least one solvent container located therein.

Due to at least the above-mentioned, the Applicant respectfully requests allowance of amended claim 1.

B. Claims 2, 4-6, and 10

The Applicant respectfully submits that since claims 2, 4-6, and 10 depend on independent claim 1, claims 2, 4-6, and 10 contain all limitations of independent claim 1. Since independent claim 1 should be allowed, as argued above, pending dependent claims 2, 4-6, and 10 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

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1. Claim 6

Dependent claim 6 reads:

6. The system of claim 1, wherein said *filter holding portion and said solvent holding portion are located within separate areas.*

(Emphasis Added)

The Applicant respectfully submits that dependent claim 6 is further allowable as claiming limitations not disclosed by *Bond*. Specifically, claim 6, in addition to the limitations of claim 1, is limited to the filter holding portion and the solvent holding portion being located within separate areas. In the Office Action on page 3, claim 6 is rejected for the reason that the solvent and filter holding portions are capable of being detached from the system and located within separate areas. The Applicant respectfully submits that many systems would become inoperative if parts are detached from the system, and nothing in *Bond* suggests parts may be detached while the system remains operative. The claims are inherently limited to an operative apparatus.

In addition to the above-mention, dependent claim 6 reads that the filter holding portion and the solvent holding portion are located in separate areas. As is clear from the detailed description of the invention and amended claim 1, the solvent holding portion has at least one solvent container therein, while the filter holding portion has at least one filter tube located therein. Claim 6 does not read that the solvent container and the filter tube are located in separate areas, but instead, that the solvent holding portion, having at least one solvent container therein, and the filter holding portion, having at least one filter tube therein, are located in separate areas.

Since, for at least the reasons provided above, the limitations of claim 6 are not taught by *Bond*, the Applicant respectfully requests withdrawal of the anticipation rejection and allowance of claim 6.

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C. Claim 14

Amended independent claim 14 reads:

A method of automatically purifying solvents, comprising the steps of:
receiving an electronic selection of a solvent to be automatically purified;
automatically causing the flow of said electronically selected solvent from a solvent container into at least one filter tube *by adding a working gas to said solvent container*;
automatically removing unwanted elements from said electronically selected solvent via use of said at least one filter tube, resulting in a purified solvent; and
automatically filling a collection vessel with said purified solvent.

(Emphasis Added)

Claim 14 has been preliminarily rejected based on 35 USC §102 as being anticipated by *Bond*. The Applicant respectfully submits that *Bond* does not teach at least the above-emphasized element of claim 14. Specifically, claim 14 has been rewritten to include the limitation of claim 18, which is emphasized above. *Bond* teaches an air-free or other gas-free system and method for separating a solution containing substantially impurity-free daughter product from a solution containing a parent radionuclide. The Applicant respectfully submits that *Bond* does not teach use of a working gas. In fact, *Bond* specifically teach that their system is “air-free” or “gas-free.” As such, *Bond*’s system is specific to not using air or gas, which is quite the opposite of the method as taught by claim 14 of the presently pending application. Not only does *Bond* not suggest use of a working gas, but *Bond* specifically teaches against use of air or gas.

D. Claims 15-17 and 21

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The Applicant respectfully submits that since claims 15-17 and 21 depend on independent claim 14, claims 15-17 and 21 contain all limitations of independent claim 14. Since independent claim 14 should be allowed, as argued above, pending dependent claims 15-17 and 21 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

E. Claim 25

Amended independent claim 25 reads:

A system for purifying solvents, comprising:
means for receiving an electronic selection of a solvent to be automatically purified;
means for *automatically causing the flow of said electronically selected solvent from a solvent container, where said solvent container is located within a solvent holding portion of said system, and wherein said solvent container has one solvent therein, into at least one filter tube, where said filter tube is located within a filter holding portion of said system*;
means for automatically removing unwanted elements from said electronically selected solvent via use of said at least one filter tube, resulting in a purified solvent; and
means for automatically filling a collection vessel with said purified solvent.

(Emphasis Added)

Amended independent claim 25 has been preliminarily rejected based on 35 USC § 102 as being anticipated by *Bond*. The Applicant traverses this rejection based on at least the above-emphasized claim limitations, which are not taught by *Bond*. Specifically, as explained with regard to amended independent claim 1, *Bond* fails to disclose a solvent holding portion having at least one solvent container therein, wherein each solvent container has one solvent therein, and a filter holding portion having at least one filter tube located therein. Specific to the filter holding portion, the Office Action cites to element 14

of *Bond*, and specific to the filter, the Office Action cites to element 24 of *Bond*. Element 24 of *Bond* is a separator 24 (column 6, line 23, and column 7, first paragraph of *Bond*), which clearly does not have at least one filter tube located therein. In addition, element 14 of *Bond* is a parent material, or parent radionuclide, which clearly is not the equivalent of a solvent holding portion having at least one solvent container located therein.

F. Claims 26 and 28

The Applicant respectfully submits that since claims 26 and 28 depend on independent claim 25, claims 26 and 28 contain all limitations of independent claim 25. Since independent claim 25 should be allowed, as argued above, pending dependent claims 26 and 28 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

II. Response to Claim Rejections Based on Obviousness

In the Office Action, pending claims 1-28 were preliminarily rejected for obviousness under 35 U.S.C. § 103(a). Specifically, claims 1-28 stand rejected as allegedly being unpatentable over Pangborn *et al.* (hereafter "Pangborn") in view of *Bond*. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., In re Dow Chemical, 5 U.S.P.Q. 2d 1529, 1531 (Fed. Cir. 1988); In re Keller, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

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A. No Support For Combining References – Teaching Against

The Office Action reads, "[i]t would have been obvious to one having ordinary skilled in the art at the time the invention was made to modify the Pangborn et al. system to have a processor in view of the teachings of the Bond et al. references in order to automate the purification process."

The Applicant strongly contends for several reasons that such a modification would not have been obvious. Because there is no basis in the art for combining the references, the Applicant traverses the Office Action's combination of Pangborn and *Bond*. According to the present case law, obviousness cannot be established "by combining the teachings of the prior art to produce the claimed invention, absent some teachings or suggestion that the combination be made." *In re Stencel*, 828 F.2d 751, 755 (Fed. Cir. 1987). The Applicant respectfully submits that there is no teaching or suggestion that the teachings of Pangborn and *Bond* be combined, thus the Office Action's rejection of the claims of the present invention was improper. In fact, *Bond* specifically *Bond* teaches an air-free or other gas-free system and method for separating a solution containing substantially impurity-free daughter product from a solution containing a parent radionuclide, while Pangborn teaches that to maintain anaerobic and anhydrous conditions, the volume between bellows valve and collection vessel is evacuated and back filled with nitrogen (i.e., a gas) several times. The use of backfilling with nitrogen clearly makes Pangborn teach a system that is not a gas-free system and method.

B. Claim 1

Claim 1 reads:

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A system for automatically purifying solvents, comprising:

a solvent holding portion having at least one solvent container therein, wherein each solvent container has one solvent therein;

a filter holding portion having at least one filter tube located therein, wherein said filter holding portion is in communication with said solvent holding portion via at least one valve connector, wherein a first portion of said valve connector is located within said filter holding portion and a second portion of said valve connector is located within said solvent holding portion;

a peripheral device; and

a computer having a memory and a processor, said processor being configured by said memory to perform the steps of:

receiving an electronic selection of a solvent to be automatically purified;

automatically causing the flow of said electronically selected solvent from said solvent holding portion to said at least one filter tube; and

automatically filling a collection vessel with said purified solvent.

(Emphasis Added)

Claim 1 has been preliminarily rejected based on 35 USC § 103 as being unpatentable over Pangborn in view of *Bond*. The Applicant respectfully submits that neither *Bond* nor Pangborn disclose, teach, or suggest the above-emphasized elements of claim 1. As has been mentioned above, the system of the presently pending patent application addresses major concerns of safety. To address these safety issues, the present system contains a solvent holding portion that is located separate from a filter holding portion. In addition, the solvent holding portion has at least one solvent container therein, where each solvent container has one solvent therein. As such, the solvent is not exposed to the user of the system, but instead located within a solvent container, that is in turn located within a solvent holding portion of the system. The solvent holding portion is located separate from the filter holding portion, where the filter holding portion has at least one filter tube located therein. Therefore, the solvent being purified is again, not exposed

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to the user when purifying. In addition, the Applicant has clarified that communication between the filter holding portion and the solvent holding portion is provided via at least one valve connector.

Further to the above-mentioned, *Bond* and Pangborn fail to disclose, teach, or suggest a solvent holding portion having at least one solvent container therein, wherein each solvent container has one solvent therein, and a filter holding portion having at least one filter tube located therein. Specific to the filter holding portion, the Office Action cites to element 14 of *Bond*, and specific to the filter, the Office Action cites to element 24 of *Bond*. Element 24 of *Bond* is a separator 24 (column 6, line 23, and column 7, first paragraph of *Bond*), which clearly does not have at least one filter tube located therein. In addition, element 14 of *Bond* is a parent material, or parent radionuclide, which clearly is not the equivalent of a solvent holding portion having at least one solvent container located therein.

Due to at least the above-mentioned, the Applicant respectfully requests allowance of amended claim 1.

C. Claims 2 - 13

The Applicant respectfully submits that since claims 2 - 13 depend on independent claim 1, claims 2 - 13 contain all limitations of independent claim 1. Since independent claim 1 should be allowed, as argued above, pending dependent claims 2 - 13 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

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1. Claim 6

Dependent claim 6 reads:

6. The system of claim 1, wherein said *filter holding portion and said solvent holding portion are located within separate areas.*

(Emphasis Added)

The Applicant respectfully submits that dependent claim 6 is further allowable as claiming limitations not disclosed, taught, or suggested by *Bond* or *Pangborn*.

Specifically, claim 6, in addition to the limitations of claim 1, is limited to the filter holding portion and the solvent holding portion being located within separate areas. In the Office Action on page 3, claim 6 is rejected for the reason that the solvent and filter holding portions are capable of being detached from the system and located within separate areas. The Applicant respectfully states that a specific location of some text in the cited reference, teaching or disclosing locating a filter holding portion and a solvent holding portion within separate areas, has not been provided. Moreover, many systems would become inoperative if parts are detached from the system, and nothing in *Bond* or *Pangborn* suggest that parts may be detached while the system remains operative. The claims are inherently limited to an operative apparatus.

In addition to the above-mention, dependent claim 6 reads that the filter holding portion and the solvent holding portion are located in separate areas. As is clear from the detailed description of the invention and amended claim 1, the solvent holding portion has at least one solvent container therein, while the filter holding portion has at least one filter tube located therein. Claim 6 does not read that the solvent container and the filter tube are located in separate areas, but instead, that the solvent holding portion, having at least one

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solvent container therein, and the filter holding portion, having at least one filter tube therein, are located in separate areas.

Since, for at least the reasons provided above, the limitations of claim 6 are not disclosed, taught, or suggested by *Bond* or Pangborn, the Applicant respectfully requests withdrawal of the anticipation rejection and allowance of claim 6.

2. Claim 7

Dependent claim 7 reads:

The system of claim 1, wherein said *filter holding portion has an air purification system attached thereto, said air purification system being capable of cleaning air within said filter holding portion and within said solvent holding portion.*

(Emphasis Added)

The Applicant respectfully submits that neither *Bond* nor Pangborn disclose, teach, or suggest an air purification system being attached to the filter holding portion, where the air purification system is capable of cleaning air within the filter holding portion and the solvent holding portion. This element of claim 7 has not been addressed by the Office Action and clearly neither *Bond* nor Pangborn discloses, teaches, or suggests this element. As a result, the Application respectfully requests allowance of dependent claim 7.

3. Claim 8

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Dependent claim 8 discloses use of a working gas. The Applicant respectfully submits that neither *Bond* nor Pangborn disclose, teach, or suggest use of a working gas. As a result, the Applicant respectfully requests allowance of dependent claim 8.

4. Claim 9

Dependent claim 9 reads:

The system of claim 8, wherein said step of automatically causing the flow of said electronically selected solvent is performed by said processor automatically causing the *opening of a check valve that controls flow of said working gas into said solvent container.*

(Emphasis Added)

As explained with regard to claim 8, neither *Bond* nor Pangborn disclose, teach, or suggest use of a working gas. In addition, due to lack of use of a working gas, *Bond* and Pangborn clearly do not disclose, teach, or suggest automatically causing the flow of an electronically selected solvent by a processor automatically causing the opening of a check valve that controls the flow of a working gas into a solvent container. As a result, the Applicant respectfully requests allowance of dependent claim 9.

5. Claim 11

Dependent claim 11 reads:

The system of claim 10, wherein said system is connected to a vacuum device capable of removing oxygen from said collection vessel, said step of automatically preparing said collection vessel, further comprising the steps of:

said processor causing opening of a vacuum valve for allowing said vacuum device to remove oxygen from said collection vessel;
said processor causing closing of said vacuum valve;

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said processor causing opening of a working gas valve for allowing filling of said collection vessel with said working gas; and

said processor causing repeating of said steps of causing opening of said vacuum valve to remove said oxygen, causing closing of said vacuum valve, and causing opening of said working gas valve to fill said collection vessel with said working gas.

(Emphasis Added)

The Applicant respectfully submits that neither *Bond* nor Pangborn disclose, teach, or suggest use of a working gas. In addition, neither *Bond* nor Pangborn disclose, teach, or suggest use of a working gas in the manner taught by claim 11. As a result, the Applicant respectfully requests allowance of claim 11.

D. Claim 14

Amended independent claim 14 reads:

A method of automatically purifying solvents, comprising the steps of:

receiving an electronic selection of a solvent to be automatically purified;

automatically causing the flow of said electronically selected solvent from a solvent container into at least one filter tube *by adding a working gas to said solvent container*;

automatically removing unwanted elements from said electronically selected solvent via use of said at least one filter tube, resulting in a purified solvent; and

automatically filling a collection vessel with said purified solvent.

(Emphasis Added)

The Applicant respectfully submits that neither *Bond* nor Pangborn disclose, teach, or suggest at least the above-emphasized element of claim 14. Specifically, claim 14 has been rewritten to include the limitation of claim 18, which is emphasized above. *Bond* teaches an air-free or other gas-free system and method for separating a solution

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containing substantially impurity-free daughter product from a solution containing a parent radionuclide. The Applicant respectfully submits that *Bond* does not disclose, teach, or suggest use of a working gas. In fact, *Bond* specifically teaches that their system is "air-free" or "gas-free." As such, *Bond*'s system is specific to not using air or gas, which is quite the opposite of the method as taught by claim 14 of the presently pending application. Not only does *Bond* not disclose, teach, or suggest use of a working gas, but *Bond* specifically teaches against use of air or gas. In addition, Pangborn also does not disclose, teach or suggest use of a working gas. As a result, the Application respectfully requests allowance of claim 14

E. Claims 15-17 and 19-24

The Applicant respectfully submits that since claims 15-17 and 19-24 depend on independent claim 14, claims 15-17 and 19-24 contain all limitations of independent claim 14. Since independent claim 14 should be allowed, as argued above, pending dependent claims 15-17 and 19-24 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

F. Claim 25

Amended independent claim 25 reads:

A system for purifying solvents, comprising:
means for receiving an electronic selection of a solvent to be automatically purified;
means for *automatically causing the flow of said electronically selected solvent from a solvent container, where said solvent container is located within a solvent holding portion of said system, and wherein said solvent container has one solvent therein, into at least one filter tube,*

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where said filter tube is located within a filter holding portion of said system;

means for automatically removing unwanted elements from said electronically selected solvent via use of said at least one filter tube, resulting in a purified solvent; and

means for automatically filling a collection vessel with said purified solvent.

(Emphasis Added)

The Applicant respectfully submits that neither *Bond* nor Pangborn disclose, teach, or suggest at least the above-emphasized element of claim 25. Specifically, as explained with regard to amended independent claim 1, *Bond* fails to disclose, teach, or suggest a solvent holding portion having at least one solvent container therein, wherein each solvent container has one solvent therein, and a filter holding portion having at least one filter tube located therein. Specific to the filter holding portion, the Office Action cites to element 14 of *Bond*, and specific to the filter, the Office Action cites to element 24 of *Bond*. Element 24 of *Bond* is a separator 24 (column 6, line 23, and column 7, first paragraph of *Bond*), which clearly does not have at least one filter tube located therein. In addition, element 14 of *Bond* is a parent material, or parent radionuclide, which clearly is not the equivalent of a solvent holding portion having at least one solvent container located therein. Further, Pangborn does not disclose, teach, or suggest the above-emphasized elements of claim 25.

Therefore, due to at least the above-mentioned, the Applicant respectfully requests allowance of amended claim 25.

G. Claims 26 - 28

The Applicant respectfully submits that since claims 26 - 28 depend on independent claim 25, claims 26 - 28 contain all limitations of independent claim 25.

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Since independent claim 25 should be allowed, as argued above, pending dependent claims 26 - 28 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

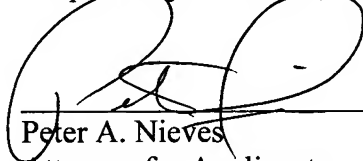
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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, applicant respectfully submits that all rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 1-17, and 19-28 are in condition for allowance. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. If in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (603)668-1400.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on, July 15, 2005 at Manchester, NH.

By: Kristen Steeds

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